

PUBLIC HEARING
September 23, 2002

PUBLIC HEARINGS were held on Monday, September 23, 2002, at 6:48 p.m. in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, to solicit public comment, written or oral, on Bill No. 02-34, International Code.

Present: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Steve M. Vaughn, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr. Council Member District No. 7; Mr. Steve C. Davis Councilmember District No. 8; Mr. Mark Stokes, County Attorney, and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and the Berkeley County Library, published in THE MONITOR and THE HANAHAN NEWS on September 4, 2002, as evidenced by attached copy of Affidavits of Publication and mailed to the newspaper, radio stations, television stations and concerned citizens.

Chairman Rozier called the meeting to order and asked if there were any written comments of the Public Hearing; and there were none. He stated this Public Hearing was being held to solicit public comment, written or oral on Bill No. 02-34 an Ordinance to amend Ordinance No. 99-7-41 and to adopt the most recent version of various International Codes relating to Building, Residential, Gas, Plumbing, Mechanical and Fire Standards.

(During periods of discussion and/or presentations minutes are typically condensed and paraphrased.)

PUBLIC COMMENTS:

Mr. Butch Pannell, Hanahan, President of Coastal Code Enforcement Association, indicated he wanted to provide Council with correct information as they contemplate adoption of the International Codes (I Codes).

- ❖ The I Codes are not federal mandated codes. The federal government has to adopt codes just as all jurisdictions do. The Department of Defense has adopted the I Codes. Also, FEMA has supported the I Codes and recognized the I Codes as the latest addition to the Building Codes.
- ❖ Florida as a state has chosen to develop their own codes, much of which is based on the I Codes.
- ❖ The International Residential Codes (IRC) does not require engineering for all structures, nor does it require that all plans be designed, approved or signed and sealed by a SC registered Design Professional. This requirement is from the local jurisdiction, not the I Codes.

- ❖ A national average for cost increase due to seismic and high wind restrictions is between 3 to 13 percent depending on size and design of the structure. High wind restrictions within unincorporated Berkeley County, with the exception of some lake front property and areas around Wando and Jamestown could be exempt, which also means that the cost sections of the IRC would not apply.
- ❖ Plans for structures has been a requirement for 50 years, some jurisdictions have been lax in the enforcement.
- ❖ Manufactured Homes, Modular Homes and Apartments. Manufactured homes are built under HUD regulation, although HUD regulations are somewhat less stringent than the I Codes, HUD recognizes the fact that these structures will be installed in high wind and seismic areas; therefore, the HUD regulations refer to installation as per the I Codes in reference to the foundation and strapping. Modular Homes are built to I Code standards concerning the structure, foundation and installation of the home. Apartments depending on the number of units must comply with the I Code.
- ❖ Structures are not built the very same way through out the country. Each area has its exceptions, we live in an area that is multi-hazard, which means, we have more to worry about such as hurricanes, tornados, flood, fire and earthquakes.

Mr. Pannell asked the Council to table Bill No. 02-34 until they have more information from such people as Codes Professionals (local area and neighboring states), design architects and/or engineers and not rely on misleading untrue statements being printed in local papers.

Councilmember Mims asked how would the homeowners insurance be affected if Berkeley County does not adopt this plan?

Mr. Pannell, stated from his understanding that in the case of a disaster the support from FEMA, etc. would not be as great as it would be if you were under I Codes. FEMA requires the latest set of building codes, and the I Codes are the only building codes in existence at this time.

Mr. Rozier allowed the citizens in attendance to agree or disagree with the information provided by a show of hands.

Councilmember Vaughn stated that he has not found a building official that can understand the I Code. The fact is to build anything, the plans are going to have to be engineered, which will cost no less than \$500 - \$1000. The State has gone to the extreme with this mandate.

Mr. Pannell explained there are many building officials that understand the code as it is now. Also, the City of Charleston does not have to have everything engineered. If the City of Goose Creek is requiring it, then it is a City requirement and not an I Code requirement. The Building Code Council can reinstate the wind born debris and seismic which eliminated the engineering.

Mr. Thomas Evans, Cypress Gardens Road stated he has been building structures in this area for 44 years. The last three homes that he built in the Mt. Pleasant area he had to have stamped by an engineer with a minimum cost of \$500. "This cost goes to the homebuyer. There are not inspectors in the three counties (Berkeley, Dorchester and Charleston) that will give you the same interpretation of the I Code." He stated, "Passing this code would paralyze our County. It has already paralyzed Dorchester County." The Cost to the homebuyer will be astronomical. Mr. Evans explained that the stamp from an engineer takes the responsibility off the builder and building official and places it on the engineer.

Mr. Rozier allowed the citizens in attendance to agree or disagree with the information by a show of hands.

Ms. Michelle Thaxton, Executive Director and General Council for South Carolina Landowners Association, Columbia, South Carolina. The Southern Building Code has served the community well. There are homes still here after hurricane Hugo that are fine without adopting the I Code. Ms. Thaxton expressed to Council that if the I Codes are to be adopted it should be tailored to Berkeley County's needs. The State of South Carolina made 30 amendments to the I Code before adopting it. Ms. Thaxton implored Council to make the I Code plain enough for the average person to interpret.

Mr. Doug Smits, 114 Autumn Lane, Moncks Corner. Mr. Smits is the Chief Building Official Director of Inspections for the City of Charleston. The City of Charleston has used the IRC as of April 1, 2002, and it "has not slowed us down one bit." Mr. Smits cautioned the audience and Council to get the facts regarding the IRC before making a decision. Mr. Smits stated the IRC is a minimum standard for building. More than 65% of the I Codes is taken from the 1995 KBO, which Berkeley County is currently using. South Carolina has put a moratorium on the seismic provisions and internal pressure wind born debris sections of the Code. "This alone constitutes the remainder of the Code that was different from KBO." The Standard Building Code, the KBO I & II Family Dwelling Code, the Uniformed Building Code, and the National Building Code are no longer published in the USA. It is now the I Codes. Mr. Smits asked why Berkeley County would want to allow a Code that was anything less than minimum standard? Mr. Smits encouraged Council and citizens to read the administrative chapter of each one of the I Codes, which is the right of each jurisdiction to change as they see fit. The City of Charleston did not accept it the way it was written; therefore, changed it.

Councilmember Pinckney asked what the additional cost to the homeowner if this new code is adopted?

Mr. Smits explained that large builders have told him that the wind born debris protection would increase the cost 2 to 3 percent of the cost. That is if the window units are used that meet the design criteria. The more efficient solution would be to place structural panels over the window openings.

Councilmember Vaughn injected that a moratorium does not mean the seismic and wind born debris sections will not be adopted. The City of Charleston is already recognizing these sections.

Mr. Smits explained that every three years the Building Code is revised and released.

Mr. Rozier allowed the citizens in attendance to agree or disagree with the information by a show of hands.

Reverend Rivers, Moncks Corner, explained that many citizens are not in favor of the I Codes being adopted by Berkeley County.

Mr. Ben Coker, 124 Pinewood Drive, and Vice President of Ashley Surveying in Summerville, SC. Mr. Coker stated he came before Council to discuss the impact the implementation of the I Code will have on the low to middle income earners. "We live in the 14th most heavily taxed state in the nation, we are 49th in per capita income, we are 48th in education, and the #1 user of mobile homes in the United States. Do you know why? Because you have raised the rung of financial affordability above the playing field." "The average cost of entry level housing in this area is \$157,000. The South Carolina Homebuilders Association said that this bill would raise the price of housing a minimum of 15 to 20%." Affordability has to be considered when voting on the I Codes.

Mr. Rozier allowed the citizens in attendance to agree or disagree with the information by a show of hands.

Mr. Charles Thompson, 100 Sully Street, Goose Creek. Mr. Thompson has been a builder for 33 years and has built 20 homes under the I Code. Mr. Thompson stated he was in favor of the new I Codes. The cost for the I Code on a 1200 to 1500 square foot house with a 2 car garage is approximately \$678; for a \$200,000 home the cost has been just above \$1530. Mr. Thompson asked Council if their main concern was not the safety, health and welfare of their constituents? "The I Codes is not difficult to understand at all." Mr. Thompson quoted from FEMA's website the cost savings for the National Flood Insurance Program: 'Construction standards really work. The investment pays off. Structures build to a higher standard are 77% less likely to be damaged. There are fewer and less severe losses. The higher standards are estimated to save taxpayers \$8,000,000 in damages avoidance. Every \$3 paid in claims is estimated to save the taxpayers \$1 in disaster assistance. Most communities hold their end of the bargain by adopting and most importantly enforcing these new codes. When they do not, we as the public are at a loss. Premiums are raised on insured property. In those communities suspended from the program, insurance could be unavailable. Losses are larger due to poor construction, compromising our goal, and an increased burden falls on the taxpayer for disaster relief.'

Mr. Scott Emery, 473 Mitchum Town Road, addressed Council stating he did not have a problem with building a house to code. His concern was that the adaptation of the I Codes would economically keep him from building a home on his property.

Mr. Herman Davis, 2071 Blacktom Road, Moncks Corner, expressed he was not in favor of the I Codes being adopted in Berkeley County.

Ms. Georgia Tony-Leslie, a building designer in Dorchester County, stated the I Code is not the best plan, but it does protect homeowners. There is a statewide building code law, which says South Carolina will abide by the new code. Berkeley County is on the Worlds Largest Earthquake Fault. "The 1886 Earthquake of Summerville was real." Hurricane winds can easily reach speeds of 120 MPH along our coast. "It is these sorts of disasters that the I Code protects you from." Mr. Tony-Leslie estimated the cost to be \$3500 on a 1500 to 2500 square foot home. That cost mainly consist of the foundation upgrade and additional connectors on the framing. The I Code is basically the same as the Code Berkeley County is currently using. "The main difference is a stronger crawl space, which I think sitting on an earthquake fault is not such a bad thing." The insurance companies and FEMA are the ones pushing the Code.

Chairman Rozier explained to the citizens that there is some debate as to whether the I Codes are state law. Many think legislature did not pass the I Codes, but that Building Codes Council passed it. The County Attorney is researching the matter now.

Chairman Rozier stated there would be another Public Hearing held on Bill No. 02-34 to inform the public as to Council's decision.

Councilmember Spooner explained to the citizens that Bill No. 02-34 will be discussed at the Committee on Planning & Development meeting to be held on October 21, 2002. There will be not a public forum, but the public is welcome to attend to attain information.

The Public Hearing was declared ended at 8:14 p.m.

S/Barbara B. Austin
Clerk of County Council

October 28, 2002
Date Approved

AGENDA FOR PUBLIC HEARING

A Public Hearing will be conducted in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, S. C., Monday September 23, 2002, scheduled to begin at 6:45 p. m., or as soon thereafter as may be heard following other Public Hearings, to solicit public comment, written or oral, in regard to Bill No. 02-34, an Ordinance to amend Ordinance No. 99-7-41 and to adopt the most recent version of various International Codes relating to Building, Residential, Gas, Plumbing, Mechanical, and Fire Standards.

PUBLIC DISCUSSION

CALL TO ORDER

STATEMENT OF PURPOSE OF HEARING

ADJOURNMENT

September 18, 2002
S/Barbara B. Austin
Clerk of County Council